

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, ET AL.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Case No. 2:12-cv-184
	:	
KENNETH L. MILLER ET AL.,	:	
	:	
Defendants.	:	

**ORDER: PLAINTIFFS' MOTION TO COMPEL LIBERTY COUNSEL, INC. AND
RENA LINDEVALDSEN TO COMPLY WITH PLAINTIFFS' REQUESTS FOR
PRODUCTION AND DEFENDANTS' CROSS MOTION FOR SANCTIONS**

(ECF 472, 485)

Plaintiff Janet Jenkins, for herself and as next friend of her daughter Isabella Miller-Jenkins, has brought suit against several individuals and organizations, alleging that they kidnapped and conspired to kidnap Isabella. Plaintiffs assert claims of commission of, and conspiracy to, commit an intentional tort of kidnapping and conspiracy to violate civil rights under 42 U.S.C. § 1985(3).

On February 24, 2020, Plaintiffs filed a motion to compel discovery pursuant to Fed. R. Civ. P. 26, 34, and 37 and Local Rule 26. **ECF 472.** On March 24, 2020, Defendants filed a response in opposition, and a cross motion for sanctions. **ECF 485.**

For the reasons set forth below, Plaintiffs' motion to compel discovery is **denied**, and Defendants' motion for sanctions is **denied**.

PROCEDURAL BACKGROUND

Plaintiffs served a request for discovery on the Liberty Counsel Defendants on June 27, 2018. **ECF 361-1, 2**. On October 15, 2018, Defendants Liberty Counsel and Rena Lindevaldsen provided responses, and on January 15, 2019, as well as June 10, 2019, Defendants produced a combined total of 571 pages. On July 23, 2019, Plaintiffs filed a motion to compel discovery. **ECF 361**. On October 29, 2019, the Court granted in part and denied in part the first motion to compel. **ECF 395**. On January 10, 2020 Defendants produced more documents.

Plaintiffs filed a second motion to compel production of discovery on February 24, 2020. **ECF 472**. Plaintiffs argued that Defendants' January 10, 2020 production did not satisfy this Court's October 29, 2019 motion to compel and that Defendants' privilege log was inadequately detailed. Defendants made another production on March 9, 2020. Defendants then responded to Plaintiffs' second motion to compel on March 24, 2020 by filing a response in opposition, and a cross-motion for an award of \$10,650 as and for sanctions against Plaintiff and her counsel. **ECF 485**. Defendants argued that that their privilege log was

sufficiently detailed and that there was nothing left for the Court to compel. Defendants also argued that Plaintiffs' decision to file a second motion to compel should be sanctioned. On April 14, 2020, Plaintiffs filed a reply in support of their second motion to compel and a response in opposition to defendants' cross-motion for sanctions. **ECF 492**. Plaintiffs argued that despite their production on March 9, Defendants still had not produced all responsive documents.

ORDER

Both parties dispute the discovery requests and responses. However, generalized statements about the discovery demands and responses are not sufficient for the Court to rule on the motions.

In light of submission of discovery from Defendants, the motion to compel is denied without prejudice. The cross motion for sanctions is also denied. The Court will proactively monitor discovery by issuing the following order:

- 1) Defendants shall submit an affidavit on or before October 15, 2020 describing efforts to comply with discovery requests, including their use of terms for ESI production.
- 2) Plaintiffs shall submit a revised motion to compel on or before October 31, 2020 after review of the Defendants' submission of the affidavit describing discovery

procedures. Plaintiffs shall identify documents or areas of discovery not included in Defendants' discovery responses.

In addition, Plaintiffs shall identify sections of the privilege log which they claim to be inadequate.

3) Defendants shall respond to Plaintiffs' discovery objections on or before November 30, 2020 by either providing the requested discovery or arguing why they need not do so.

4) Plaintiff shall respond on or before December 10, 2020.

A discovery hearing will be scheduled for December 14, 2020 at 1:30pm to rule on any discovery disputes, including motions for sanctions.

CONCLUSION

For the aforementioned reasons, Plaintiffs' motion to compel discovery (ECF 472) is **denied** and Defendants' cross motion for sanctions (ECF 485) is **denied**. The parties are ordered to **produce discovery according to this order**. The parties each bear their own costs.

DATED at Burlington, in the District of Vermont, this 14th day of September, 2020.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge